

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Ethel Loise Patterson,)	
)	C/A No. 3:15-2457-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER
Sumter County Administration; Darlington)	
County Administrator,)	
)	
Defendants.)	
_____)	

On July 13, 2015, Plaintiff Ethel Loise Patterson, proceeding pro se, filed a complaint alleging that she was falsely arrested and detained for fifteen days. Plaintiff seeks damages for emotional injury. Plaintiff's complaint has been construed as asserting a violation of her constitutional rights. See 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Paige J. Gossett for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to applicable law and issued a Report and Recommendation on July 13, 2015. The Magistrate Judge determined that (1) Plaintiff provided no factual support for her allegations of false arrest and false imprisonment; (2) Defendants are governmental entities that may not be held liable under § 1983 unless the allegedly unconstitutional acts were taken in furtherance of some municipal policy or custom; and (3) Defendants are not liable under respondeat superior principles for any alleged wrongdoing by their employees. Accordingly, the Magistrate Judge recommended that Plaintiff's complaint be summarily dismissed without prejudice and without issuance and service of process. Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has

no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). This court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1). This court may also receive further evidence or recommit the matter to the Magistrate Judge with instructions. Id. In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

The court has thoroughly reviewed the record. The court concurs in the recommendation of the Magistrate Judge and incorporates the Report and Recommendation herein by reference. The within complaint is summarily dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Senior United States District Judge

Columbia, South Carolina

December 2, 2015

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.